

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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U.S. DISTRICT COURT
CHARLESTON, SC

2013 OCT 21 A 11: 57

Elvis Dwight Goodwin,

Plaintiff,

vs.

Carolyn W. Colvin, Acting Commissioner
of Social Security Administration,

Defendant.

Civil Action No. 5:12-3222-RMG

ORDER

This matter comes before the Court on Plaintiff's motion for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Dkt. No. 31). Plaintiff seeks an award of \$ 6,053.12 for attorney's fees, based upon 32.5 hours of attorney time at a rate of \$186.25, \$35.60 in expenses and \$ 7.00 for costs¹. (Dkt. No. 31-1 at 5-6). The Defendant has advised the Court that she has no objection to the grant of the requested award to Plaintiff. (Dkt. No. 33).²

The Court has reviewed the motion and memorandum of Plaintiff, as well as the supporting underlying documentation, and finds that the total fee request, hours expended, hourly rate, expenses and costs are reasonable and authorized under applicable law. *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002). Therefore, the Court hereby grants an attorney's fee award to


¹ Costs are paid from the Judgment Fund of the United States Treasury, 28 U.S.C. § 2412(c)(1).

² The Commissioner moved on October 16, 2013 for a stay of the proceedings because of the absence of an appropriation for the Department of Justice. (Dkt. No. 32). In light of the recent adoption of a continuing resolution, the Court finds this motion is now moot.

Plaintiff in the amount of \$ 6,053.12, expenses of \$35.60 and costs of \$7.00.

Defendant has indicated a willingness to pay the EAJA fees directly to counsel with a proper assignment executed by Plaintiff so long as the EAJA award is not subject to offset. (Dkt. No. 33 at 1-2). In the event a duly executed assignment is not provided by Plaintiff and the amount due is not applied to a debt due under the Treasury Offset Program, Defendant is directed to make the check due pursuant to this Order payable to Plaintiff and to deliver the check to Plaintiff's counsel.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

October 15 2013
Charleston, South Carolina